



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
16 EDISON DRIVE
AUGUSTA, MAINE
04330

MICHAEL F. KELLY
COMMISSIONER

JAY BRADSHAW, EMT-P
DIRECTOR

Board of EMS Meeting
Maine EMS Conference Room
January 6, 1999
MINUTES

Members Present: J. McKenny (Chair), L. Bouchard, G. Murray, C. Little, R. Doughty, W. Dunwoody, S. Leach, J. DeFillip, S. Hayes, C. Pillsbury, P. DiPietrantonio, P. Stevens, W. Werts, D. Dane, R. Chagrasulis (ex-officio)

Regional Coordinators: J. LeBrun, D. Bahr, D. Carroll

Staff: J. Bradshaw, D. Corning, D. White, W. Montejo

Guests: Paul Gauvreau, Esq. (Deputy AG), Geoff Hole, Esq. (Town of Freeport), Sue Wardwell (LifeFlight of Maine), Tom Judge (LifeFlight of Maine)

1. Introductions

Those present introduced themselves and their affiliations (described above).

1. Fair Hearing: John Perrino

Attorneys Gauvreau and Hole provided a summary of the investigation regarding alleged unlicensed practice by John Perrino, a Freeport Police officer. The investigation focused on the period from January 1997 to May 1998. During that time, Officer Perrino was not licensed as an EMS provider, yet he allegedly represented himself as a licensed EMT, responded to emergency medical calls, and received a stipend from the Town for this additional responsibility. The parties involved in this investigation have agreed to terms of a consent agreement that will include the following:

- Mr. Perrino's EMT license will be suspended for a period of six months commencing November 9, 1998.
- Mr Perrino will make restitution of stipends paid by the Town of Freeport to the satisfaction of the Town.
- The Board will provide a clarification on what First Aid can be provided by Officer Perrino during the above suspension and clarify that he is not to be dispatched for purposes of providing EMS care, only minimal first aid as permitted by the EMS Rules.

Following discussion, the Board made the following motion:

MOTION: To approve the terms of the consent agreement between the Board of EMS and John Perrino as presented. (Bouchard/Little). Motion is approved; 9 in favor, 3 opposed (DiFillip, Werts, Pillsbury), 1 abstain (DiPietrantonio).

3. Minutes

MOTION: *To approve the minutes of the December 2, 1998, Board meeting. (Dunwoody; second by DiPietrantonio). Carried.*

4. Old Business

A. EMS/TC Task Force

J. Bradshaw reported that he and D. Corning will be meeting with Dick Willis, Ph.D., and Durward Huffman, Ph.D., on Thursday, 1/7/99, to continue the discussions about the EMS/TC Task Force report from 1993. There will be a report at the February Board meeting.

B. Legislation

Jay reported that he has contacted Rep. Michael McAlevey (R-Waterboro) to sponsor the Department bill making changes to the EMS Law. Rep. Thomas Bull (D-Freeport) has agreed to sponsor the bill regarding survivor benefits for EMS providers who die in the line of duty. This bill as proposed will use the same definition as the federal Public Safety Officers Death Benefit Act and will provide up to 5 years of tuition free post secondary education at a Maine college or university to spouses and dependent children. Rep. Bull has also expressed an interest in: requiring AVOC training for drivers who routinely operate an ambulance in emergency mode or when carrying a patient; providing a special license plate identifying EMS providers; and permitting ambulances to display a flashing blue light on the rear of ambulances.

Jay also reported that a bill has also been submitted that would allow firefighters and EMS providers to display an unlimited number of flashing red lights on their personal vehicles. Jay indicated that this type of legislation surfaces just about every session and has historically been opposed by Maine Fire Chiefs, law enforcement, and EMS.

Jay will be monitoring these and other proposed legislation and will be providing regular updates to the MEMS Listserve and the MEMS web pages.

C. Unfinished Business

None at this time.

D. Other

None at this time.

5. New Business

A. Ops Team/Committee Action Items

Jay reported on the highlights of the Ops meeting the previous day. There are no items that require Board action at this time. However, there was considerable discussion about the Patient Confidentiality Law that went into effect January 1, 1999. Jay said that he has asked Attorney Gauvreau for an opinion on how this Law affects EMS, but has not yet received a reply. Jim McKenny said that the attorney for The Aroostook Medical Center reviewed the law and advised Crown Ambulance that this law should not change how information is exchanged between EMS providers and hospital personnel. The law does permit hospitals to provide information as part of a Quality Assurance program and for billing purposes. However, if patient information is inappropriately released, this new law does permit considerable fines. Jay will report if/when he receives a reply from Attorney Gauvreau and will continue to work with the Maine Hospital Association and the Maine Medical Association on possible amendments which will be presented during this Legislative Session.

B. Investigation Committee Action Items

S. Leach reported that the Investigations Committee had not met since the previous Board meeting, but will be meeting following today's meeting.

J. McKenny asked about Board members interested and willing to work on the Investigations Task Force. In addition to the members of the Investigations Committee, W. Werts, L. Bouchard, S. Hayes, and R. Chagrasulis expressed interest in this project. J. LeBrun said she may be willing/able to serve and would advise the chair of her decision. Drexell and Bill will be the primary MEMS staff representatives to the Task Force.

C. Exam Committee Action Items

D. White reported that the Exam Committee would like guidance from the Board regarding the maintenance of Ambulance Attendant and Critical Care written examination. Drexell told Board members that the existing exams are rather outdated. He also reminded members that the current Rules do not permit new licenses for these level and there have been no requests to relicense using these exams. As a result, Committee members are of the opinion that it is not a prudent use of resources to update these exams.

MOTION: To not expend resources to update the Ambulance Attendant and Critical Care written examinations and to remove reference to these exams in the next revision of the EMS Rules. (Little; second by Leach). Carried.

D. Waiver Request - LifeFlight of Maine

D. White distributed a summary of the request from LifeFlight of Maine (LOM) to remove certain equipment from their helicopters. T. Judge explained the basis of the request and acknowledged that there was no national standard regarding what equipment should be carried in an EMS helicopter, thus LOM was basing their request upon their own experience.

S. Hayes supported the request for the waiver and expressed that the only possible concern he had was about LOM removing scene response equipment during an interfacility transfer and then being dispatched to an emergency call before returning to their home base. J. Bradshaw expressed concern about the Board establishing the required equipment list through a process of limited calls by LOM and waiver requests.

After considerable discussion, the following motion was made:

MOTION: To approve the waiver request from LifeFlight of Maine as presented except that METags can be moved to the Scene Response Kit and LOM shall provide additional Scene Response Kits at hospitals to which they routinely respond. (Hayes; second by Leach). Unanimous.

E. Waiver Request - Donald Russell

D. White summarized the waiver request from Mr. Russell to enable him to renew his EMT-I license before he has completed the required continuing education and skills lab. The basis for his request is that he received incorrect information from EMTC regarding the availability of an EMS refresher course (a complete summary was included with the January Board mailing).

Stan Bowden, Winterport Fire Chief, explained the circumstances that resulted in Mr. Russell not having the required training and skills lab.

Considerable discussion ensued.

MOTION: To grant Donald Russell the ability to renew his license for 60 days from this date. (Little; second by Doughty) Failed (9 in favor, 5 opposed).

Additional discussion ensued regarding the continuing education Mr. Russell has attended, upcoming Skills Labs, and refresher relicensing requirements.

MOTION: To move the question. (Werts). Carried.

MOTION: Upon completion of an ALS Skills Lab, Mr. Russell may relicense as an EMT-I until 10 days following the EMS refresher course. (Hayes; second by Leach) Carried. (10 in favor, 3 opposed, 1 abstain).

Dr. Little requested that staff reword the 6 month reminder letter sent to licensees to clarify the refresher training options.

F. Other

Jay reported that HCFA has published its intention to require that states require any adverse action that is taken against any health care provider (including EMS providers). As a result of many unanswered questions regarding this proposal and the expense of developing a mechanism for tracking and reporting same, opposition to this proposal has been expressed by the National Association of State EMS Directors and from many state Attorneys General. Jay has forwarded this proposal to Paul Gauvreau for input from the Maine Attorney General. He asked the Board to support his writing on behalf of the Board in opposition. Approved.

Jay also reported that:

- Oden Cassidy, Houlton, was appointed by Gov. King to the Board as the second public representative.
- There will be an EMS Information Day held for Legislators on Thursday, January 21, from 8:30 - 11:30 AM in the Hall of Flags. Displays will be set up by MEMS, each regional office, Maine ACEP and LifeFlight of Maine. Augusta Fire/Rescue will also have an ambulance on site.

B. Dunwoody reported that the Nominations Committee has recommended the following for position of chair-elect: S. Leach, S. Hayes, B. Dunwoody, and L. Bouchard. S. Hayes and S. Leach removed their names from consideration and following a written ballot, L. Bouchard was elected.

6. Staff Report

A. Activities

Jay reported that Michelle Del Valle started at MEMS on December 21, 1998, as the Administrative Assistant (filling the position previously held by Missi Plaisted). Ms. Del Valle transferred to Public Safety from the Department of Human Services where she worked in the Child Support Enforcement Division.

B. MDPB

Dr. Chagrasulis reported that there was no meeting held in December. The next meeting will be an all-day retreat held on Wednesday, January 20. The goals of the retreat are to: 1) finalize the draft of the protocols so that they can be distributed for feedback, 2) identify and prioritize pending issues, and 3) develop a business plan for this year.

C. Other

None at this time

7. Executive Session - Personnel

MOTION: To enter executive session for the purposes of completing the Director's annual performance evaluation. (Bouchard; second by Leach). Carried.

Executive session began at 12:13 PM.

Executive session ended at 12:24 PM.

MOTION: To approve the Director's performance evaluation as drafted by J. McKenny and forward same to Commissioner Kelly. (Werts; second by Dunwoody). Unanimous.

Adjourned 12:25 PM.